

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RANDY HOSTETLER, :
Plaintiff, :
v. : Case No. 3:04-cv-53-KRG-KAP
BLACK BULLET TRANSPORT, INC., :
STEVE VALDELAMAR, J.C. TRUCKING, :
INC., BBT LOGISTICS, INC., and :
SALVATORE GIGANTE, :
Defendants :

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

On February 26, 2008, the Magistrate Judge filed a Report and Recommendation, docket no. 71, recommending that defendants Black Bullet Transport, Inc. and J.C. Trucking, Inc.'s motion for summary judgment, docket no. 37, be granted as to Black Bullet Transport, Inc., and denied as to J.C. Trucking, Inc., and that BBT Logistics, Inc.'s motion to dismiss, docket no. 50, be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed timely objections, docket no. 74, as did defendant BBT Logistics, Inc., docket no. 72, and defendant J.C. Trucking, Inc., docket no. 73: each party objected to the portion of the Report and Recommendation unfavorable to its motion.

However, after de novo review of the record of this matter, together with the Report and Recommendation and the objections thereto, the following order is entered:

AND NOW, this 26th day of March, 2008, it is

ORDERED that summary judgment is entered in favor of Black Bullet Transport, Inc. The balance of the motion for summary judgment, docket no. 37, and the motion to dismiss by BBT Logistics, Inc., docket no. 50, are denied. The Report and Recommendation is adopted as the Opinion of the Court.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record